

REMARKS

This application is under appeal, a Notice of Appeal having been filed on January 3, 2007. No claims have yet to be allowed.

Entry of this amendment for purposes of appeal is respectfully requested inasmuch as the issues on appeal are substantially reduced by the incorporation of dependent claim 15 into claim 1. Furthermore, it is respectfully submitted that the amendment should be dispositive of the patentability of the invention inasmuch as it appears that the Examiner has not taken into consideration the unexpected results that are achieved in connection with the treatment of an FCC gasoline.

The combination of steps (a) and (b) in claim 1 is novel and provides unexpected results in the form of a higher desulfurization level without significantly reducing the olefin content while at the same time providing a lower diolefin content in the gasoline. Pages 16 and 17 provide exemplification of Applicants' unexpected results.

The Examiner should also appreciate that FCC gasolines are notoriously old and that there are a multitude of refinery processes known in the art for the treatment of same. Nevertheless, Applicants' process is novel and obtains unexpected advantages not known heretofore.

The reference to Parker U.S. 3,457,163 is not related to an FCC gasoline, and there would just be no motivation for one of ordinary skill in the art to use the teachings of Parker 3,457,163, as pointed out on page 9 of Applicants' reply of July 25, 2006. Now that Applicants' process is limited to the treatment of FCC gasolines, the argument presented by the Examiner in paragraph 2, last page of the advisory action of December 26, 2006 is no longer pertinent. The stubborn fact is that prior to the present invention it was entirely unknown that a separate step of hydrogenating an FCC gasoline to eliminate minor amounts of diolefins would also provide a higher desulfurization level without significantly reducing the olefin content.

(The term "olefin content" is conventionally meant to include only mono olefins not diolefins.)

As to the other arguments set forth in the Final Rejection, Applicants respectfully reiterate that they do not necessarily acquiesce to any of the statements therein and reserve the right to provide rebuttal statements in an Appeal Brief, if necessary.

In summation, Applicants respectfully request reconsideration and allowance of the application in view of the present amendment and explanation of the unexpected results, but if the Examiner disagrees, Applicants respectfully request that the present amendment be entered so as to reduce the issues on appeal.

The Commissioner is hereby authorized to charge any fees associated with this response or credit any overpayment to Deposit Account No. 13-3402.

Respectfully submitted,



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